

Message Text

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SUBJECT: TWO AMERICAN AIRMEN CONVICTED OF INSULTING THE
GREEK FLAG IN IRAKLION

REF: ATHENS 2977 (NOTAL)

1. ON MAY 5, TWO AMERICAN AIRMEN WERE CONVICTED ON A
CHARGE OF INSULTING THE GREEK FLAG (PARA 2 OF REFTTEL) AND WERE
SENTENCED TO
TWO YEARS IMPRISONMENT BY A THREE MEMBER COURT OF MISDEMEANORS
IN IRAKLION. THEY WERE FOUND NOT GUILTY OF
THEFT, A CHARGE WHICH, IN COMBINATION WITH THAT OF INSULT-
ING THE FLAG, COULD HAVE RESULTED IN FIVE YEARS IMPRISONMENT.
THE COURT ALSO REFUSED THE RETURN OF THE AIRMEN TO
USAF CUSTODY PENDING AN APPEAL OF THEIR CONVICTION. THEY
WILL BE HELD IN HANIA UNTIL THEIR APPEAL IS HEARD BY AN
APPELLATE COURT THERE, POSSIBLY NEXT MONTH.

2. ONE OF THE TWO DEFENDANTS HAD ADMITTED TAKING ELEVEN
FLAGS FROM FLAGPOLES WHILE INTOXICATED ON THE EVENING OF
MARCH 25 (GREEK INDEPENDENCE DAY) AND CONCEALING THEM IN
HIS BARRACKS AT THE USAF FACILITY NEAR IRAKLION. THEQGTHER
DEFENDANT CLAIMED HE HAD BEEN WITH THE FIRST AIRMAN, BUT
THAT HE HIMSELF HAD NOT TAKEN ANY FLAGS.

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3. ACCORDING TO THE OFFICIAL AMERICAN OBSERVERS PRESENT,
SPECTATORS IN THE COURT ROOM SHOWED NO HOSTALITY TOWARD THE
TWO AMERICANS, BUT BOOED THEIR ATHENIAN ATTORNEY OUTSIDE
THE COURT ROOM AS HE LEFT. BECAUSE OF LOCAL EMOTION OVER
THE MARCH 25 INCIDENT, THE TWO AIRMEN HAD BEEN UNABLE TO
RETAIN A LOCAL ATTORNEY. HOWEVER, AND AMERICAN OBSERVER

AT THE TRIAL, WHO HAD WITNESSED A SIMILAR TRIAL IN IRAKLION LAST SPRING, COMMENTED THAT HE BELIEVED THERE WAS LESS HOSTILITY IN AND AROUND THE COURT ON MAY 5 THAN THERE HAD BEEN AT THE EARLIER TRIAL.

4. THE EMBASSY ON APRIL 30 HAD REQUESTED BY DIPLOMATIC NOTE A WAIVER OF JURISDICTION TO US MILITARY JUSTICE OR, FAILING THAT, A CHANGE IN VENUE, AS THE DEFENDANTS' INABILITY TO HIRE A LOCAL ATTORNEY CLEARLY INDICATED A HIGH LEVEL OF LOCAL PUBLIC SENTIMENT AGAINST THEM. WE WERE PESSIMISTIC CONCERNING THE WAIVER OF JURISDICTION; THE GOG IN RECENT YEARS HAS RARELY GRANTED WAIVERS IN CASES LIKE THIS WHERE BOTH GREEK LAW AND THE US UNIFORM CODE OF MILITARY JUSTICE HAVE BEEN VIOLATED. WE WERE MORE HOPEFUL THAT A CHANGE IN VENUE MIGHT BE ARRANGED TO A SITE OUTSIDE CRETE WHERE PUBLIC INTEREST MIGHT NOT BE SO HIGH. WE NOW UNDERSTAND, HOWEVER, THAT UNDER GREEK LAW, A CHANGE OF VENUE CAN BE MADE ONLY IN CASES INVOLVING FELONIES. IN THIS CASE, ALTHOUGH THE POSSIBLE PENALTIES ARE SEVERE BY AMERICAN STANDARDS, THE CRIMES WITH WHICH THE AIRMEN WERE CHARGED ARE CATEGORIZED UNDER GREEK LAW AS MISDEMEANORS, NOT FELONIES.

5. MFA DIRECTOR GENERAL FOR POLITICAL AFFAIRS TZOUNIS INFORMED THE DCM ON THE EVENING OF MAY 5 THAT THE MFA HAD RECOMMENDED TO THE MINISTRY OF JUSTICE THAT JURISDICTION BE RETAINED BY GREEK AUTHORITIES, BUT THAT A CHANGE IN VENUE WOULD BE DESIRABLE. TZOUNIS SAID THAT THE MFA WOULD CONTINUE TO SEEK A CHANGE IN VENUE FOR THE APPEAL HEARING. LIMITED OFFICIAL USE

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(ALTHOUGH THE APPEAL WILL BE HEARD IN HANIAN, THIS IS STILL ON THE ISLAND OF CRETE AND WE EXPECT THAT LOCAL EMOTIONS COULD BE AROUSED THERE AS WELL.) IN A FOLLOW-UP CONVERSATION ON MAY 6, THE MFA'S AMERICAN DESK OFFICER TOLD AN EMBOFF THAT THE MFA'S RECOMMENDATION FOR A CHANGE IN VENUE HAD BEEN REJECTED BY THE COURT ITSLEF IN IRAKLION. BOTH THE DCM AND THE EMBOFF IN THEIR CONVERSATIONS EXPRESSED DISAPPOINTMENT THAT THE COURT HAD REFUSED TO FOLLOW STANDARD PROCEDURE AND POSTPONE TRIALUNTIL AN OFFICIAL MFA RESPONSE TO OUR REQUEST FOR WAIVER HAD BEEN MADE.

6. PRESS REACTION IN ATHENS TO THE TRIAL HAS BEEN RELATIVELY LIGHT AND FACTUAL WITH NO EDITORIAL COMMENT SO FAR. (THE INCIDENT ITSELF HAD RECEIVED CONSIDERABLE ATTENTION IN THE PRESS HERE AT THE END OF MARCH.) SURPRISINGLY, THE TWO COMMUNIST PAPERS IGNORED THE TRIAL IN THEIR MAY 6 ISSUES. WE ANTICIPATE MORE VEHEMENT COVERAGE IN IRAKLION, WHERE THE EDITOR OF A STRIDENTLY ANTI-AMERICAN WEEKLY WAS THE ORIGINAL COMPLAINANT AGAINST THE TWO AIRMEN.

HE WAS, IN FACT, EJECTED FROM THE COURT ROOM AT ONE POINT IN THE TRIAL FOR ATTEMPTING TO COACH OTHERS TESTIFYING AGAINST THE DEFENDANTS.

7. COMMENT: THE STAFF JUDGE ADVOCATE OF THE 7206TH AIR BASE GROUP, WHO WAS PRESENT AT THE TRIAL AS AN OBSERVER, HAS KEPT US INFORMED OF DEVELOPMENTS IN THIS CASE. HE WILL BE DRAFTING AN OFFICIAL REPORT ON THE TRIAL SHORTLY THROUGH HIS OWN CHANNELS AND WILL BE ASSISTING WITH APPEALS PROCEDURES.
KUBISCH

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